



## Arizona Medical Board

9545 East Doubletree Ranch Road • Scottsdale, Arizona 85258

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### **FINAL MINUTES FOR EMERGENCY SUMMARY ACTION TELECONFERENCE MEETING** **Held at 12:00 p.m. on September 28, 2004** **9545 E. Doubletree Ranch Road • Scottsdale, Arizona**

#### ***Board Members***

Edward J. Schwager, M.D., Chair  
Sharon B. Megdal, Ph.D., Vice Chair  
Robert P. Goldfarb, M.D., Secretary  
Patrick N. Connell, M.D.  
Ingrid E. Haas, M.D.  
Tim B. Hunter, M.D.  
Becky Jordan  
Ram R. Krishna, M.D.  
Douglas D. Lee, M.D.  
William R. Martin III, M.D.  
Dona Pardo, Ph.D., R.N.  
Chris Wertheim

#### ***Board Counsel***

Christine Cassetta, Assistant Attorney General

#### ***Staff***

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director  
Barbara Kane, Assistant Director  
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director  
Gary Oglesby, Chief Information Officer  
Tricia Steffey, Board Coordinator  
Susan Ahn, Legal Coordinator

#### **CALL TO ORDER**

Edward J. Schwager, M.D., Chair, called the meeting to order at 12:22 p.m.

#### **ROLL CALL**

The following Board Members were present: Edward J. Schwager, M.D., Sharon B. Megdal, Ph.D., Robert P. Goldfarb, M.D., Patrick N. Connell, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., and Chris Wertheim. The following Board Members were absent from the meeting: Ingrid E. Haas, M.D. and Dona Pardo, Ph.D., R.N.

#### **CALL TO THE PUBLIC**

Statements issued during the call to the public appear beneath the case referenced.

#### **TIME SPECIFIC MATTER**

NO.	CASE NO.	COMPLAINANT v PHYSICIAN		LIC. #	SUBJECT
1.	MD-04-S007A	AMB	WALTER L. JACOBS, M.D.	3829	Summarily Suspend Dr. Jacobs' License, unless Dr. Jacobs signs an interim agreement to voluntarily restrict his license before 5:00 p.m. Require that Dr. Jacobs complete the in-patient treatment that is required under the SRA before reapplying for licensure.

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, informed the Board Members that David Greenberg, M.D., Monitored Aftercare Program (MAP) Consultant, was present telephonically. Walter L. Jacobs, M.D., appeared before the Board at the Call to the Public without legal representation. He stated that the reason he is before the Board is for self-prescribing and giving starter medication to patients without the appropriate dispensing license. Dr. Jacobs stated that he was recently discharged from Calvary Rehabilitation Center and has been attending Alcoholics Anonymous (AA) meetings regularly. He recently self-prescribed Vicodin and Soma, due to severe back pain. Dr. Jacobs also stated that he has refused to return to Calvary due to financial reasons.

Kathleen Muller, Monitored Aftercare Program (MAP) Officer, reviewed this case with the Board. On August 17, 2004, Michel Sucher, M.D., the Board's addiction medicine consultant, advised Board Staff that Dr. Jacobs self-reported that he had an alcohol problem. Dr. Jacobs entered inpatient treatment at Calvary Rehabilitation Center in Phoenix on August 19, 2004. He was discharged on September 18, 2004. On September 21, 2004, Board Staff met with Dr. Jacobs and reviewed with him the Stipulated Rehabilitation Agreement (SRA) and MAP terms. During that meeting, Dr. Jacobs admitted to self-prescribing controlled substances, namely Soma and Vicodin. Board Staff advised Dr. Jacobs that self-prescribing was not permitted under the terms of the SRA. At the conclusion of that meeting, Dr. Jacobs stated that he understood the terms and voluntarily signed the SRA. On September 27, 2004, Dr. Jacobs met with Board Staff for a formal MAP interview. At that interview, Dr. Jacobs admitted he had taken Vicodin and Soma since signing the SRA and he was aware that this was in violation of the agreement. Subsequently, Dr. Jacobs was asked to sign an Interim Consent Agreement for practice restriction, but he refused to sign it.

Dr. Greenberg stated that Dr. Jacobs is in clear violation of the SRA that he had previously signed. Dr. Greenberg gave a brief overview to the Board of Dr. Jacobs self-prescribing habits. Dr. Greenberg stated that Dr. Jacobs failed to indicate his use of Opioids on the Psychosocial Assessment Form at Calvary Rehabilitation Center; therefore this issue was not addressed during his treatment. Dr. Greenberg recommended that Dr. Jacobs cease practicing medicine. Also, that Dr. Jacobs be re-evaluated for his use of Vicodin and Soma. Dr. Greenberg also reviewed a number of other concerns that he had regarding Dr. Jacobs, specifically his distribution of controlled substances and other medications without having the appropriate licensure. Also, of concern is Dr. Jacobs' qualifications and ability to handle emergency situations in the allergy clinic where he works, his memory, and his failure to keep his knowledge of medicine up-to-date.

**MOTION: William R. Martin, III, M.D., moved to Summarily Suspend Dr. Jacobs' license because there is an imminent danger to the public health, safety and welfare and Summary Suspension is necessary in order to protect the public.**

**SECONDED: Ram R. Krishna, M.D.**

**MOTION: Ram R. Krishna, M.D., moved to require that Dr. Jacobs complete the in-patient treatment that is required under the SRA before reapplying for licensure.**

**SECONDED: William R. Martin, III, M.D.**

**MOTION: Sharon B. Megdal, Ph.D., moved that the above motion become effective at 5:00 p.m. on this date, unless Dr. Jacobs agrees to sign the Interim Consent Agreement.**

**SECONDED: Ram R. Krishna, M.D.**

**ROLL CALL VOTE was taken and the following Board members voted in favor of the motion: Edward J. Schwager, M.D., Sharon B. Megdal, Ph.D., Robert P. Goldfarb, M.D., Patrick N. Connell, M.D., Tim B. Hunter, M.D., Becky Jordan, Ram R. Krishna, M.D., Douglas D. Lee, M.D., William R. Martin, III, M.D., and Chris Wertheim. The following Board members were absent from the meeting: Ingrid E. Haas, M.D., and Dona Pardo, Ph.D., R.N.**

**VOTE: 10-yay, 0-nay, 0-abstain/recuse, 2-absent**

**MOTION PASSED.**

Meeting adjourned at 12:38 p.m.

[Seal]

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Barry A. Cassidy, Ph.D., P.A.-C, Executive Director